

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROGER GRIFFIN,	:	CIVIL NO. 3:24-CV-112
	:	
Plaintiff,	:	
	:	
v.	:	
	:	(Magistrate Judge Carlson)
JAMES PETRUCCI, et al.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 24th day of October 2024, in accordance with the accompanying Memorandum, IT IS ORDERED that the State Police defendants' motion to dismiss, (Doc. 21), is GRANTED as follows: Griffin's institutional liability claims which are barred by the Eleventh Amendment and his illegal surveillance claims based upon what he erroneously alleged was a warrantless GPS surveillance of his vehicle are dismissed with prejudice. Griffin's excessive force, failure to intervene claim is dismissed without prejudice to affording Griffin a final opportunity to amend his complaint to state a claim upon which relief may be granted provided he files an amended complaint on or before **November 15, 2024**.

S/ Martin C. Carlson
Martin C. Carlson
United States Magistrate Judge